

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**PROGRESSIVE SPINE &
ORTHOPAEDICS, LLC**

Plaintiff,

v.

**ANTHEM BLUE CROSS BLUE
SHIELD,**

Defendant.

Civ. No. 17-536 (KM) (MAH)

ORDER

This matter having come before the Court upon the motions of the Defendant, Anthem Blue Cross Blue Shield, to dismiss the complaint for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6) (Dkt. No. 5-1), and of the Plaintiff, Progressive Spine & Orthopaedics, LLC, to remand the case to state court and for attorney's fees (Dkt. No. 10-1); and both motions having been opposed (Dkt. Nos. 11, 13); and the Defendant having filed a reply on its motion to dismiss (Dkt. No. 13), and the Plaintiff having filed a reply on its motion to remand and for attorney's fees (Dkt. No. 14); and the Court having considered the papers before it, pursuant to Federal Rule of Civil Procedure 78(b); for the reasons stated in the Opinion filed on this date, and for good cause shown:

IT IS this 11th day of September, 2017,

ORDERED that the Plaintiff's motion to remand (Dkt. No. 10-1) is **GRANTED**, and this action is **REMANDED** to the Superior Court of New Jersey, Law Division, Bergen County; and it is further

ORDERED that the Plaintiff's motion for attorney's fees (Dkt. No. 10-1) is **DENIED**; and it is further

ORDERED that the Defendant's motion to dismiss the complaint (Dkt. No. 5-1) is **DENIED AS MOOT**.

The Clerk shall close the file.


KEVIN MCNULTY, U.S.D.J.